Applicant has considered and studied the Office Action dated July 10, 2008. Claims 1-4, 7-13, and 16-23 are pending. Claims 1, 3, 10, 12, 19, and 22 have been amended and claims 5 and 14 have been canceled without prejudice. Claim 23 has been newly added. Claims 1, 10, and 19 are independent claims.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Amendments to the Claims

Claims 1, 3, 10, 12, 19, and 22 have been amended to more clearly disclose the invention. In particular, independent claims 1 and 10 have been amended to incorporate the features recited in their respective dependent claims 5 and 14, respectively, which have been canceled without prejudice. Further, independent claim 19 has been amended to recite the same features that have been incorporated into independent claims 1 and 10. It is respectfully submitted that the amendments have support in the application as originally filed.

§ 103 Rejections

Claims 1-5, 7-14, and 16-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gerszberg et al. ("Gerszberg '881" U.S. Pat. No. 6,359,881) in view of Kondo et al. ("Kondo" U.S. Pat. No. 5,936,941), in view of Gerszberg et al. ("Gerszberg '621" U.S. Pat. Appln. No. 2001/0040621). Applicant respectfully traverses the rejection.

It is respectfully noted that the Federal Circuit has provided that an Examiner must establish a case of <u>prima facie</u> obviousness. Otherwise the rejection is incorrect and must be overturned. As the court stated in <u>In re Rijkaert</u>, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993):

"In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a <u>prima facie</u> case of obviousness. Only if that burden is met, does the

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burden of coming forward with evidence or argument shift to the applicant. 'A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.' If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned." (citations omitted.)

With this paper, claims 5 and 14 have been canceled without prejudice. It is, therefore, respectfully submitted that the rejection is moot with respect to claims 5 and 14 and it is respectfully requested that the rejection be withdrawn.

With regard to the rejection of independent claim 1, it is respectfully noted that the Examiner admits, at paragraph 4 of the Office action, that Gerszberg '881 does not explicitly teach "determining a call status of each of the plurality of terminals based on call status information included in the call setup information exchanged between each of the plurality of terminals." It is further respectfully noted that the Examiner asserts that Kondo cures the above identified deficiencies of Gerszberg '881 because Kondo teaches "the determination of call status information from call setup information wherein Kondo teaches wherein a communication terminal identifies status information and stores the information at a management terminal" and "[t]he status information is retrieved from call setup information that is originally transmitted from a device," citing col. 8, ll. 8-34. It appears that the Examiner believes that the "status information" disclosed in Kondo is analogous to the call status information recited in independent claim 1. Applicant respectfully disagrees with the Examiner's interpretation of Kondo.

It is noted that the cited portion of Kondo discloses that "[t]he communication terminal 3 identifies the type of the status information and the instruction of transmission of the same by the user-user information or call user information" and "[t]he terminal 3 extracts and holds the origination address information and transmits the indicated status information to the management terminal 1 by the user-user information or call user information based on this origination address information at the time of detection of an occurrence of a failure or other specific phenomenon as the call setup message or the packet for requesting a call." It is further noted that the cited portion of Kondo discloses that "the communication terminal 3 receiving the request for transmission transmits the

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status information to the management terminal 1 using the information for users when detecting an occurrence of a failure or other specific phenomenon."

Upon further review of Kondo, it is noted that the management terminal instructs the type of the status information and requests transmission of the status information or suspension of transmission of the same to the communication terminals, and thus, only the desired type of the status information is collected and therefore quick maintenance and management are made possible (abstract). It is further noted that Kondo discloses that the management terminal manages to operate the communication system stably, by collecting the status information of the communication terminals, by judging whether or not the different parts are operating normally, and by instructing maintenance personnel to repair parts where abnormalities have occurred. (col. 1, ll. 28-35).

Kondo also discloses that even if a failure occurs, a communication terminal cannot send out status information unless it receives a request from the management terminal. (col. 1, ll. 44-46). Furthermore, Kondo discloses "[w]hen an occurrence of a failure or other specific phenomenon is detected, it sends the indicated type of status information to the management terminal" at col. 2, ll. 23-25. Therefore, the "status information" disclosed in Kondo is information that is required to manage the communication terminals by the management terminal and the information includes occurrence of a failure or abnormal operation of parts in the communication terminals.

It is respectfully submitted that the asserted "status information" as disclosed in Kondo is not the same as the call status, wherein the call status is one of an on-hook status and an off-hook status, as recited in independent claim 1. It is further respectfully submitted that Kondo fails to cure the deficiencies of Gerszberg '881 with respect to determining a call status of each of the plurality of terminals based on call status information included in the call setup information exchanged between each of the plurality of terminals and the gateway system, wherein the call status is one of an on-hook status and an off-hook status, as recited in independent claim 1.

With regard to the rejection of independent claim 10, for the similar reasons as discussed above with regard to the rejection of independent claim 1, it is respectfully submitted that Kondo fails to cure the deficiencies of Gerszberg '881 with respect to

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determining a call status of each of the plurality of terminals based on call status information included in the call setup information exchanged between each of the plurality of terminals, wherein the call status is one of an on-hook status and an off-hook status, as recited in independent claim 10.

With regard to the rejection of independent claim 19, for the similar reasons as discussed above with regard to the rejection of independent claim 1, it is respectfully submitted that Kondo fails to cure the deficiencies of Gerszberg '881 with respect to determining a call status of each of the plurality of terminals based on call status information included in call setup information transmitted from each of the plurality of terminals, wherein the call status is one of the on-hook status and an off-hook status, as recited in independent claim 19.

With regard to the rejections of claims 9 and 18, it is respectfully noted that the Examiner asserts, at paragraphs 11 and 19 of the Office action, that Gerszberg '881 discloses "delivery of emergency broadcasts" at col. 12, ll. 12-17 and Gerszberg '881, Kondo, and Gerszberg '621 teach the system wherein the control means of the information server (system) updates contents of the memory means of the information server (system) when new information is received. It is respectfully submitted that the asserted disclosure of "delivery of emergency broadcasts" in Gerszberg '881 is simply <u>not</u> the same as updating contents of the memory means when new information is received, as recited in claims 9 and 18.

It is noted that the cited portion of Gerszberg '881 discloses that "emergency broadcasts relating to flash flood warnings, tornado, and hurricanes, can be broadcast to users in the affected areas without affecting the user's other transactions that are occurring simultaneously." It is respectfully submitted that the "broadcasts" and "broadcast," as disclosed in Gerszberg '881, merely refers to transmission and should <u>not</u> be interpreted as storing in the memory means. Therefore, it is further respectfully submitted that Gerszberg '881 fails to disclose or suggest that the control means of the information server (system) updates contents of the memory means of the information server (system) when new information is received, as recited in claims 9 and 18.

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Moreover, it is respectfully submitted that neither Kondo nor Gerszberg '621 cures the above identified deficiencies of Gerszberg '881.

For the reasons above, it is respectfully asserted that independent claims 1, 10 and 19 are allowable over the cited combination of references. It is further respectfully asserted that claims 9 and 18 also are allowable over the cited combination of references both by virtue of the features recited therein as well as by virtue of their dependency from allowable independent claims. Moreover, it is respectfully asserted that claims 2-4, 7, 8, 11-13, 16, 17, and 20-22 also are allowable over the cited combination of references by virtue of their dependency from their respective allowable independent claims.

New Claim

With this paper, new claim 23 has been added. It is respectfully submitted that the new claim has support in the application as originally filed. It is respectfully asserted that claim 23, which recites limitations similar to those of claims 9 and 18, is allowable for the same reasons given herein with regard to claims 9 and 18 as well as by virtue of its dependency from an allowable independent claim.

CONCLUSION

In view of the above remarks, Applicant submits that claims 1-4, 7-13, and 16-23 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Lee, Hong, Degerman, Kang & Waimey

Date: October 3, 2008
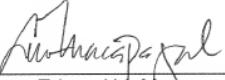
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